

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

SMBAT VOSKANYAN,

Plaintiff,

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

No. 2:24-cv-01543-SCR

ORDER

Plaintiff Smbat Voskanyan commenced this social security action on June 1, 2024. ECF Nos. 1-2.¹ On September 29, 2025, the Court granted Plaintiff's motion for summary judgment and remanded the matter for further proceedings. ECF No. 20. Presently pending before the Court is Plaintiff's Motion for attorneys' fees pursuant to the Equal Access to Justice Act ("EAJA"). ECF No. 22. The Commissioner filed a Statement of Non-Opposition. ECF No. 23. After considering the briefing and applicable law, the court grants Plaintiff's Motion for EAJA fees.

The EAJA provides, in part, that:

Except as otherwise specifically provided by statute, a court shall award to a prevailing party other than the United States fees and other

¹ This case was referred to the undersigned pursuant to E.D. Cal. L.R. 302(c)(15) and the parties voluntarily consented to proceed before a United States Magistrate Judge pursuant to 28 U.S.C. § 636(c). ECF No. 6.

1 expenses, in addition to any costs awarded pursuant to subsection (a),
2 incurred by that party in any civil action (other than cases sounding
3 in tort), including proceedings for judicial review of agency action,
4 brought by or against the United States in any court having
jurisdiction of that action, unless the court finds that the position of
the United States was substantially justified or that special
circumstances make an award unjust.

5 A party seeking an award of fees and other expenses shall, within
6 thirty days of final judgment in the action, submit to the court an
7 application for fees and other expenses which shows that the party is
8 a prevailing party and is eligible to receive an award under this
9 subsection, and the amount sought, including an itemized statement
10 from any attorney or expert witness representing or appearing in
11 behalf of the party stating the actual time expended and the rate at
12 which fees and other expenses were computed. The party shall also
allege that the position of the United States was not substantially
justified. Whether or not the position of the United States was
substantially justified shall be determined on the basis of the record
(including the record with respect to the action or failure to act by the
agency upon which the civil action is based) which is made in the
civil action for which fees and other expenses are sought.

13 The court, in its discretion may reduce the amount to be awarded
14 pursuant to this subsection, or deny an award, to the extent that the
15 prevailing party during the course of the proceedings engaged in
conduct which unduly and unreasonably protracted the final
resolution of the matter in controversy.

16 28 U.S.C. § 2412(d)(1)(A)-(C).

17 Here, the Commissioner does not dispute that Plaintiff is a prevailing party, because he
18 successfully obtained a remand. The Commissioner does not dispute that the application for
19 EAJA fees is timely, because it was filed within thirty days of final judgment in this action. Nor
20 does the Commissioner argue that Plaintiff is not entitled to an award of fees under the EAJA,
21 because the position of the Commissioner was substantially justified. *See Flores v. Shalala*, 49
22 F.3d 562, 569 (9th Cir. 1995) (holding that claimant is entitled to attorneys' fees unless the
23 government shows that its position "with respect to the issue on which the court based its remand
24 was 'substantially justified'"). Because the Commissioner raises no objections, the Court
25 GRANTS the Motion.

26 The EAJA directs the court to award a reasonable fee. 28 U.S.C. § 2412(d)(2)(A). In
27 determining whether a fee is reasonable, the court considers the reasonable hourly rate, the hours
28 expended, and the results obtained. *See Commissioner, INS v. Jean*, 496 U.S. 154, 163 (1990);

1 *Hensley v. Eckerhart*, 461 U.S. 424, 437 (1983); *Atkins v. Apfel*, 154 F.3d 986, 988 (9th Cir.
 2 1998). Plaintiff requests an award for 34.25 hours of work, at the prevailing EAJA rates of
 3 \$251.84 for 2024. ECF No. 22 at 1. This would result in an award of \$8,625.52, however
 4 Plaintiff has chosen to seek only 50% of that award, an amount of \$4,312.76. *Id.* at 5. The
 5 Commissioner does not object to the hours expended or the rate. In considering a reasonable rate
 6 for attorneys' fees, an increase in the statutory rate of \$125 may be justified to account for
 7 increases in the cost of living. *See Sorenson v. Mink*, 239 F.3d 1140, 1148 (9th Cir. 2001). The
 8 cost of living adjustment to the statutory cap is computed by multiplying the statutory cap by the
 9 consumer price index for urban consumers for the year in which the fees were earned, then
 10 dividing by the consumer price index figure on the date that the cap was imposed by Congress.
 11 *Id.* at 1148-49; *see also Thangaraja v. Gonzales*, 428 F.3d 870, 876-77 (9th Cir. 2005).² The
 12 national, rather than local, change in cost of living should be applied to adjust the EAJA rate cap
 13 because "if Congress had wanted to allow for cost of living adjustments in a particular region or
 14 city, it could have done so in the statute." *Stewart v. Sullivan*, 810 F. Supp. 1102, 1107 (D. Haw.
 15 1993).

16 The Commissioner does not oppose Plaintiff's requested rate or challenge the
 17 reasonableness of the hours expended. Therefore, the Court will award Plaintiff EAJA attorneys'
 18 fees in the amount requested of \$4,312.76. The Court notes counsel has attached an assignment
 19 agreement with his client. ECF No. 22-1. However, the EAJA award must be made by this Court
 20 to Plaintiff, and not to counsel. *See Astrue v. Ratliffe*, 560 U.S. 586, 589 (2010). Nevertheless, if
 21 the government determines that Plaintiff does not owe a federal debt that qualifies for offset,
 22 payment may be made in the name of Plaintiff's attorney.

23 Accordingly, for the reasons outlined above, **IT IS HEREBY ORDERED** that:

24 1. Plaintiff's Motion for attorneys' fees under the EAJA (ECF No. 22) is **GRANTED**.

25 _____
 26 ² In accordance with the decision in *Thangaraja*, and Ninth Circuit Rule 39-1.6, the Ninth Circuit
 27 Court of Appeals maintains a list of the statutory maximum hourly rates authorized by the EAJA,
 28 as adjusted annually. The rates may be found on the Court's website. See
<http://www.ca9.uscourts.gov>. Here, Plaintiff's requested rates are within the statutory maximum
 rate established by the Ninth Circuit.

2. Plaintiff is awarded attorneys' fees in the total amount of \$4,312.76 pursuant to the EAJA. If the government determines that Plaintiff does not owe a federal debt that qualifies for offset, payment may be made in the name of Plaintiff's attorney.

IT IS SO ORDERED.

DATED: January 5, 2026


SEAN C. RIORDAN
UNITED STATES MAGISTRATE JUDGE